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The Public Funding of Private Schools in Canada

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Suite 8-200, 252 Bloor Street West, Toronto, Ont. M5S 1V5

INTRODUCTION

The funding of private (or independent) schools in Canada has generated much debate in educational circles. Supporters of private education believe that private schools offer greater diversity in educational programs and give parents the flexibility to choose the curriculum appropriate for their child. On the one hand, British Columbia's Federation of Independent School Associations believes that independent schools are an alternative that "provides enrichment that enhances the educational enterprise." Because independent schools provide a service that "serves the public purpose," they ought to receive "an equitable share of taxes collected for the provision of such services." [1]

On the other hand, advocates of a stronger public education system argue that increased public funding of private schools would lead to the creation of schools segregated along lines of religion, ethnicity or class, which would deny students the advantages of a shared acculturation experience. They also fear that support of private schools would erode the public's financial and ideological support for public schooling. [2] Opponents of private school funding argue that parents who send their children to private schools should not expect the tuition fees to be subsidized by the government. An editorial by David Clandfield in *Our Schools/Our Selves* argues that "Public funding is not supposed to turn private schools into free public schools, but only to take some of the financial pressure off [the private schools]. Any service that has to be paid for is more accessible to the wealthy members of our society than to the less wealthy." [3]

Although traditional "English-style" private schools have usually been the domain of the children of the well-to-do, private schools now offer a wide range of elementary and secondary programs. There are several reasons why parents choose to send their children to a private rather than to a public school. In many cases, they want their children to have a strong religious component in their education (e.g., many private schools offer religious education to Roman Catholic, Jewish, Mennonite people or a Seventh Day Adventist program). Some parents, prefer their children to be taught according to a particular methodology such as that offered in the Montessori and Waldorf schools, while others send them to schools with French or other second-language immersion programs. In large urban centres, many parents opt for private education because they do not believe that the public school system is providing the quality of education or the individual attention their children require. Finally, many private schools offer special education or programs for gifted students, and the so-called "visa" schools prepare foreign students for admission to North American universities.

Enrolment in private schools in Canada has increased steadily during the past two decades. In 1970-71, 142,601 students were enrolled in private schools (2.4% of the national total). In 1989-90, some 233,873 (4.6% of students) were enrolled in private schools. Although total public school enrolment has decreased by about 15% since 1970-71, private school enrolment has grown by 64% over the same period. Statistics Canada has reported that most of Canada's private school students are enrolled in Quebec (43%) and in Ontario (27%). The majority of Canadian private-school students (55.6%) are enrolled in secondary schools and 35.9% are in elementary schools.[4]

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1. Federation of Independent School Associations, Brief Submitted to the British Columbia Royal Commission on Education, March 1, 1988.

2. Bernard J. Shapiro, *Report of the Commission on Private Schools in Ontario* (Toronto: The Commission on Private Schools in Ontario, October 1985), p. 20.

3. David Clandfield, "Private-School Funding: Many Camels, But How Many Tents?" *Our Schools/Our Selves*, vol. 2, no. 1 (December 1989), p. 7.

4. Statistics Canada, *Elementary-Secondary School Enrolment, 1989-90*, Cat. 81-210 (Ottawa: Minister of Industry, Science and Technology, December 1991).

In recent years, private school enrolment has experienced the highest growth in Western Canada. In the four Western provinces, private school enrolment increased by 2.5% in 1989-90 to 66,851 (compared with 65,242 in 1988-89). In the four Atlantic provinces, private school enrolments dropped by almost 1% in 1989-90 (3,210) compared with the previous year's total (3,240). Quebec showed a 0.5% increase (99,696 in 1989-90 compared with 99,191 in 1988-89.) In Ontario, where 3.3% of that province's 1,976,034 students are in private schools, there was a significant drop in private school enrolment after the provincial government began full funding for Roman Catholic secondary schools (grades 11 to 13). In 1985-86, some 76,312 Ontario students were enrolled in private schools, but 64,116 were enrolled in 1989-90. [5] (The number of students in private schools has dropped in Ontario because students in publicly funded Catholic high schools are no longer counted in private school statistics.)

In 1989-90, private schools accounted for 4.6% of total elementary-secondary enrolment in Canada, up from 3.8% in 1979-80. Total elementary-secondary enrolment in 1989-90 was 5,083,933. Of this total, 4,797,450 students were enrolled in public schools, 233,873 in private schools, 46,438 in federal schools and 2,450 in schools for the blind and deaf, and 3,722 in Department of National Defence (overseas) schools. The elementary-secondary enrolment in private schools as a percentage of total enrolment was highest in Quebec (8.7%), followed by British Columbia (6.9%), and lowest in Saskatchewan, the Atlantic provinces and the territories. [6]

Five provinces now provide some public funding for private schools: British Columbia, Alberta, Saskatchewan, Manitoba and Quebec. In 1988-89, an average of 30% of the total revenue of private schools in Canada came from provincial funding. The largest proportion of provincial funding was in Quebec, where private schools receive 48% of their revenue ($236 million in 1988-89) from provincial funding. Statistics Canada reported that individuals paid approximately one-half of the revenue of private elementary and secondary schools in Canada. In Ontario and the Atlantic provinces, where private schools receive virtually no grants, fees paid by individuals account for close to 70% of private school revenue. In the other provinces, some 38% to 45% of private school revenue is accounted for by tuition fees. [7]

The Official Languages in Education Sector of the Department of the Secretary of State provides grants to help defray private schools which offer programs in English or French as a second language. In 1990, contributions were made to schools in Nova Scotia, Ontario, Manitoba, Alberta and British Columbia. The program contributed $1,514,758 to 584 private schools in five provinces. [8]

In recent years, the expansion of private school funding in British Columbia, Alberta, Saskatchewan and Manitoba, has coincided with increased government regulation and supervision of private schools. Bill 141 *(Loi sur l'enseignement privé)* is expected to give the Quebec government more power over the licensing and regulation of the private schools in that province.

The five provinces that provide public funding for private schools require that they must follow the provincial curriculum and educational programs. For example, independent schools in Manitoba must operate under the same financial, administrative and program accountability criteria as public schools. Before, the only criteria independent schools had to meet to obtain funding was to teach a sufficient number of courses equivalent to the standards

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5. *Ibid.*
6. *Ibid.*
7. Statistics Canada, "Financial Statistics of Private Elementary and Secondary Schools, 1985-86 to 1988-89," *Education Statistics Bulletin*, vol. 13, no. 2, July 1991.
8. Official Languages in Education Sector, Department of the Secretary of State.

in public schools and to ensure that the courses were taught by teachers holding a valid Manitoba teaching certificate. Now independent schools throughout Manitoba must conform to established programming and reporting procedures in the same manner as any publicly funded school in the province, thereby making them accountable to the Department of Education and the taxpayers. [9]

Although 3.3% of Ontario's elementary and secondary school students are enrolled in independent schools, Ontario is refusing (pending the outcome of a legal challenge) to contribute public funds for private schools. In 1985, Ontario's current Deputy Minister of Colleges and Universities, Bernard J. Shapiro, then a member of a provincial commission, recommended that any denominational school in Ontario which met Ministry of Education standards should be eligible for public funding. However, the *Report of the Commission on Private Schools in Ontario* has been shelved. In the fall of 1991, the Canadian Jewish Congress and the Ontario Alliance of Christian Schools launched a legal challenge, arguing that the province's refusal to extend public funding to Jewish day schools and other religious private schools contravened the Charter of Rights and Freedoms. However, owing to declining provincial revenues, it may be some years before Ontario thinks about adopting the recommendations of its 1985 Commission on Private Schools.

The increasing number of students enrolled in private schools across Canada shows that many parents find that they are a credible alternative to public education.

Number of Students in Independent (Private) Schools as a Percentage of Total Provincial Enrolments (initial statistics fall 1991)

	No. of schools	*No. of students*	*% of total prov. enrol.*
British Columbia	287	43,714	7.1
Alberta	145	16,259	3.0
Saskatchewan	48	3,100	0.7
Manitoba	82	10,555	5.0
Ontario	496	67,440	3.7
Quebec*	285	100,742	8.8
New Brunswick	30	1,038	0.7
Nova Scotia	29	1,890	1.1
Prince Edward Island	2	111	0.5
Newfoundland	3	427	0.3
Yukon**	2	16	0.1
NWT	0	0	0.0
TOTAL	1409	245,292	

*The enrolment figures for Quebec were tabulated in the 1990-91 school year. The figure for the number of private schools in Quebec is based on the number of administrative units under the authority of a director/principal, not on the number of buildings in which a school operates.

** Estimated enrolment figures provided by Yukon Department of Education.

Source: Federation of Independent Schools in Canada; Gouvernement du Québec, Ministère de l'Éducation.

Robert Albota
Communications Officer
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9. "New Accountability Criteria for Independent Schools," Manitoba Government, *News Release*, March 7, 1990.

LEGISLATION AND REGULATIONS

NEWFOUNDLAND

Private schools, with one exception, receive no financial assistance from the province. The exception is when transportation to a public school in the community or in a neighbouring community is not possible. In such a case, the private school would receive a per pupil grant equal to that given to public schools.

Under Newfoundland's *Schools (Amendment) Act, 1974*, a "private school" means an "establishment for the instruction of pupils (including nursery and other pre-kindergarten groups) which is not

(i) a public school or a college
(ii) a Sunday School or similar institution, or
(iii) authorized to be operated, and operating, under any other Act of the legislature."

Section 68(1) states:

The Minister of Education's prior written permission is required to operate a private school in Newfoundland. Before a private school is opened, the following information must be provided to the Minister: (a) the names of the persons who will own and operate the proposed school; (b) the purpose for which the school is to be established; (c) the classes [and educational programs] to be taught in the proposed [private] school; (d) and such additional information as may be requested by the Minister.

Section 69 states:

Before permission to operate a private school is given, the applicant must satisfy the Minister that (a) the buildings or premises to be used by the private school are adequate; (b) the courses of instruction offered in the private school will follow the courses prescribed by the Minister (unless the Minister otherwise approves in writing); and (c) the teachers to be employed in the private school hold valid teaching certificates [certificates of grade].

Sections 70 and 71 stipulate that private schools are subject to inspection by officials of the Department of Education. The Minister may revoke or suspend permission given by him with respect to a private

school if, in the Minister's opinion, standards of attainment at the private school are lower than those expected in a public school or if the private school does not comply with any provisions of the Act or of any order made under the Act applicable to private schools.

Newfoundland has a public system of education in which denominational districts are established for a religious denomination or group of religious denominations. There are Roman Catholic School Boards, Integrated School Boards (which include major Protestant groups), a Seventh-Day Adventist Church School Board and a Pentecostal Assemblies School Board. They receive nearly 95% of their funding from the province.

Reference: *The Schools Act (An Act Respecting the Operation of Schools and Colleges in the Province)*, Revised Statutes of Newfoundland, 1970. Chapter 346

(Note: A new *Schools Act* is expected to be introduced in the Newfoundland legislature in early 1992. If approved by the legislature, the bill will provide a slightly revised definition of private schools.)

PRINCE EDWARD ISLAND

The provincial government does not provide financial assistance to private schools in Prince Edward Island. The only reference to private schools in the *School Act* is sub-section 46(2) which states that "every child shall attend school in the school selected by the regional school board in that regional administrative unit" provided for in section 44 or sub-section 44(2) except as referenced in sub-section 46(3)(a) which states "where in the opinion of the minister, a child is under efficient instruction elsewhere."

There are no regulations governing the establishment and operation of private schools in the province, but private schools that follow the provincially approved curriculum receive free textbooks.

Prince Edward Island has a non-sectarian publicly funded education system.

NEW BRUNSWICK

The provincial government does not provide financial assistance to independent (private) schools in New Brunswick. The only references to private schools are in section 57 of the *Schools Act*. It states that

> *57(2) ...every child shall attend school in the school selected by the school board in the school district.*
>
> Where
>
> *57(3)(a) in the opinion of the minister a child is under efficient instruction elsewhere,*
>
> *the child shall not be required to attend school.*

Students attending independent schools must apply annually to the minister to be exempted from attending public school. The minister sends out inspectors to examine the facilities of the independent schools as well as their curriculum.

New Brunswick has a non-sectarian publicly funded education system.

Reference: *Schools Act/Loi scolaire*, chapter S-5.1 (1990).

NOVA SCOTIA

Private schools in Nova Scotia do not receive financial assistance from the Department of Education. References to private schools are in section 63 and 64 of the *Regulations Under The Education Act*, which states:

> *(63) A child shall not be required to attend school (public) and the parent is not liable to a penalty under the Act, if*
>
> *(f) an inspector and/or superintendent of schools certifies that the child is receiving training and instruction in a private school, at home or elsewhere equivalent to that which [he/she] would be receiving if [he/she] were in regular attendance in a school serving the section in which [he/she] resides, and a teacher certifies that the child has passed a satisfactory examination in a grade of work suitable to the child's age and previous opportunities for receiving an education.*
>
> *64 (1) In these regulations "private school" means a school established by an Act of the Legislature, or incorporated under the Societies Act or the Companies Act to provide*

educational services to persons over the age of six years and under the age of 16 years.

64 (2) Where a child is enrolled in a private school [he/she] shall attend the school during the time that [he/she] is required, by the rules and regulations of the school, to attend it.

Private schools that follow the provincial curriculum receive a provincial grant to purchase approved textbooks from the Nova Scotia School Book Bureau. The grant is provided in the form of a credit at the Bureau. For 1991-92, the per pupil credit allocation is $37.91, the same amount given to public schools.

Nova Scotia has a non-sectarian publicly funded education system.

Reference: Province of Nova Scotia. *Regulations Under The Education Act* (as amended up to January 13, 1987).

QUEBEC

The *Act respecting private education (Loi sur l'enseignement privé)* distinguishes among three types of educational institutions:

(i) private schools holding a teaching permit;
(ii) "institutions declared of public interest";
(iii) "institutions recognized for purposes of grants."

Private schools holding a teaching permit

In Quebec, private schools must obtain a teaching permit from the Minister of Education or the Minister of Higher Education and Science. Private schools that provide self-improvement education (culture personnelle) are exempt from this regulation and are not required to hold a permit. In some cases, persons or organizations are excluded from the regulations under the *Act respecting private education.*

Ministerial permits are granted to private schools that provide the necessary information and that conform to established criteria for curriculum, instructors, advertising, student enrolment, budgetary estimates and tuition fees. The permit also describes the type of teaching offered by the school: general (pre-elementary, elementary, secondary, or college courses), professional instruction, special education, self-improvement or correspondence courses.

Private schools holding a teaching permit only are not eligible to receive funding from the provincial government.

Institutions declared of public interest

Under Chapter III(9) of *An act respecting private education*, the Ministers of Education or of Advanced Education and Science may declare to be "of public interest" an institution which, according to the criteria determined by regulation, "ensures services of quality and contributes to the advancement of education in Quebec, by reason of the characteristics of the education which it provides, the competence of its staff and the pedagogical methods which it employs."

Institutions recognized for purposes of grants

The minister may recognize "for purposes of grants" an institution which has not been declared to be "of public interest" but which meets the requirements of the regulation. An institution holding only a permit to provide self-improvement education will not be recognized for purposes of grants.

Funding of private schools

Private schools that receive provincial government funding are those that the Minister declares to be "of public interest" or institutions that are "recognized for purposes of grants." An institution declared to be "of public interest" will receive more substantial funding that an institution that is only "recognized for purposes of grants."

The payment of grants provided to institutions that are "declared of public interest" and to institutions that are "recognized for purposes of grants" is determined by the *Act respecting private education* enacted in June 1981 (Loi 11) and its subsequent amendments. This law gave a base amount for each pupil registered full time in a regular program on 30 September of the school year. It varies according to the classification type and the level of education. Since the law was enacted, the base amount of funding to private schools has varied according to the size of the provincial grants to the public school system.

For the school year 1991-1992, the per student grants allocated to private schools were the following:

	Schools declared of public interest	**Schools recognized for purposes of grants**
Kindergarten	$ 1,391	$ 1,016
Elementary	2,044	1,501
Secondary	2,919	2,153
College (general education)	3,635	2,728

	Schools declared of public interest	Schools recognized for purposes of grants
Vocational Program		
biology technology	6,161	4,621
physics technology	4,579	3,435
humanities technology	4,335	3,252
management technology	3,928	2,946
Arts	4,928	3,694

Furthermore, at the discretion of the Ministers of Education or of Higher Education and Science, private schools have, since 1971, received an amount equivalent to the rental value of the buildings where they provide instruction. This amount varies according to the teaching level, that is, $157 per pre-school and elementary student, and $232 per secondary student.

In 1990-91, some 100,742 Quebec students were registered in independent elementary and secondary schools (8.8% of the total student enrolment in the province). Most private schools in Quebec have a religious orientation or are boarding schools. The majority of private schools offer educational programs in French only.

Quebec has a publicly funded dual denominational education system (Roman Catholic and Protestant schools) at both the elementary and secondary levels.

Reference: *An Act respecting private education*, Revised Statutes of Quebec, chapter E-9, updated 1985

Note: On May 15, 1991, the Quebec government tabled legislation (*projet de loi 141 : Loi sur l'enseignement privé*) which is expected to make major changes to the law governing the regulation and public funding of private schools in Quebec. At the time of writing, Bill 141 had been debated by a committee of the National Assembly. Once the bill is passed (expected in the spring of 1992), the CEA will prepare an insert updating Quebec's policy and regulations on the public funding of private schools.

ONTARIO

Under section 1(1)(40) of Ontario's *Education Act*, "private school" is defined as "an institution at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses of study." Private schools do not include those schools in public school boards, Roman Catholic

separate school boards or Protestant separate school boards.

According to section 15 of the *Act*, private schools must submit annually to the Ministry of Education (on or before 1 September) a notice of intention to operate a private school and must provide statistical information on enrolment, staff, courses of study and any other information required by the ministry. The minister may direct one or more supervisory officers to inspect a private school, and private secondary schools that wish to award the Ontario secondary school graduation diploma or the Ontario secondary school honour graduation diploma may ask to have their standards of instruction inspected These private schools must follow the course credit system. A teaching certificate is not required for teaching in Ontario private schools.

Private schools in Ontario do not receive direct financial assistance from the government.

In the fall of 1991, 67.440 Ontario students were enrolled in private schools (3.7% of the total provincial enrolment). Most private schools in Ontario are religious, ethnic-religious (i.e., Jewish, Seventh Day Adventist, Ontario Alliance of Christian Schools, Conference of Independent Schools), special education schools (learning disabled), college preparatory, residential schools, and special methodologies (e.g., Waldorf, Montessori).

Ontario has a publicly funded public and separate school system. Prior to 1985, Roman Catholic separate schools received grants only up to the end of grade 10. Beginning in September 1985, the provincial government extended funding to Roman Catholic high schools for grades 11 to 13.

Reference: *Education Act*, Revised Statutes of Ontario, 1980. Chapter 129

MANITOBA

Under the *Education Administration Act* (Definitions, section 1), "private school" means "any school, other than a public school, which provides a curriculum and a standard of education equivalent to that provided by the public schools, but does not include any home or place to which clause 262 (b) of *The Public Schools Act* applies" (i.e., home schooling).

Direct grants are available to private schools for the following in 1991-92:

1) Instruction and services
2) Special needs
3) Curricular materials

Section 60(5) of *The Public Schools Act* states

> *the Minister of Education may make grants to a private school in respect of instruction and services offered by the private school to children enrolled therein, where the minister is satisfied that*

(a) the private school teaches a sufficient number of courses approved under The Education Administration Act *to ensure that children enrolled in the private school receive an education of a standard equivalent to that received by children in public schools;*

(b) the teachers teaching the approved courses to children enrolled in the private school hold valid and subsisting teaching certificates issued under the Education Administration Act;

(c) the Department of Education has approved the core curriculum of the school;

(d) the private school has a legally incorporated Board of Directors;

(e) the private school has an elected advisory board that

(i) includes at least three persons who are parents or guardians of children enrolled in the private school,

(ii) reports on the private school on a regular basis during the school year, and not less often than once in each school term, to the parents and guardians of students enrolled in the private school;

(f) not yet proclaimed;

(g) the private school is in compliance with such other requirements as may be prescribed by regulation;

and the minister may make regulations respecting the making of grants under this subsection and prescribing requirements for the purposes of clause (g).

In addition, *Manitoba Regulation 150/90* requires that in order to be eligible for support, the private school must

(a) have been in operation with pupils in attendance during the 1989-90 school year and received a grant in all or a portion of that school year;

(b) comply with the necessary sections of the *Administrative Handbook for Manitoba Schools* (unless modifications reflecting religious perspectives, cultural objectives, or values of the school have been approved by the minister);

(c) appoint an auditor annually;

(d) submit a record of final academic standing achieved by each student in grades 10, 11 and 12.

Instruction and Services

An Instruction and Services grant of $2,015 per eligible pupil is available in 1991-92. This is the estimated amount which is determined based on 59% of the average per pupil grant in public schools. Once

funding for public schools is finalized through the preparation of the annual report, a final rate is determined and the private school support is adjusted accordingly.

In 1990, the government of Manitoba agreed to increase incrementally, over a period of eight years, the level of support to private schools. Effective 1 July 1991, private schools receive 59% of the per pupil grant paid to public schools. In 1992 and 1993, respectively, private schools will receive 63.5% and 68% of the per pupil grant paid to public schools. From 1994 to 1997, there will be an annual increase of 3%. By the 1997-98 school year, private schools will receive 80% of the funding provided to the public school system. This funding is for operational support only. No capital support is given.

Special Needs

Special needs support is paid as follows to pupils approved by the department:

Category	Funding	Criteria
Level I	$3,300	trainable mentally handicapped, moderately multi-handicapped, severely physically handicapped, severely hearing impaired, severely visually impaired, very severely learning disabled, very severely emotionally disturbed.
Level II	$7,100	severely multi-handicapped, severely psychotic, autistic, profoundly deaf.
Level III	$15,800	profoundly multi-handicapped

Curricular materials

A curricular material grant of $40 per pupil is provided for print and non-print instructional material purchased through the Manitoba textbook bureau.

In addition, indirect grants are available where public school divisions and private schools enter into shared service agreements. These agreements fall into three categories:

1) Transportation

A grant of $410 (rural pupils) or $150 (urban K-3 pupils) is paid to the public school division where transportation is provided to private school pupils on a regular public school bus route.

2) Clinician Services

Where a public school division agrees to provide clinical services to private school pupils, a grant is paid to the public school division on behalf of the private school. The grant is equivalent to the grant paid for public school pupils.

3) Facilities and Resources

If pupils from the private school attend a public school for home economics, industrial arts or other life-skill courses not otherwise available in the private school, a grant is paid to the public school on behalf of the private school pupil. The grant is equivalent to the grant paid for public school pupils.

Manitoba has a non-sectarian, publicly funded school system. In the fall of 1991, an estimated 10,555 Manitoba students (5% of the total provincial enrolment) were registered in independent schools. Most Manitoba private schools are co-educational day schools with a religious orientation. Many of the private schools are members of the Manitoba Federation of Independent Schools, Manitoba Catholic Schools, and the Winnipeg Board of Jewish Education.

Reference: *The Education Administration Act*, Revised Statutes of Manitoba, 1987, chapter E10.

The Public Schools Act, Revised Statutes of Manitoba, 1987, chapter P250.

SASKATCHEWAN

The *Education Act* defines an independent school (private school) as an institution in which instruction is provided to pupils of compulsory school age and which is "owned, controlled and administered by a person that is not a public authority."

Part VII, section 361(1) of the Act states that

> *the governing body of every private school or other educational institution which provides educational services to pupils in courses of instruction prescribed under this Act shall, when required by the Minister, furnish information to the department in such form as [the Minister] may prescribe with respect to the pupils, teachers, curriculum of studies, facilities and equipment of that school or other educational institution.*

In October 1990, the Minister's Advisory Board on Independent Schools (chaired by Alec Postnikoff), composed of all the major education groups in Saskatchewan, recommended that there should be four categories of independent schools:

- registered independent schools;
- accredited independent schools;
- historical high schools; and
- alternative schools.

The Minister of Education accepted the advisory board's recommendations and adopted the four categories of independent schools.

The Postnikoff report recognized that most, although not all, independent schools are religiously based (one high school offers a curriculum in French). In establishing a legal framework for independent schools in Saskatchewan, the government stated that it was not interested in regulating these institutions as such, but in regulating education.

Funding

Only the historical high schools and alternative schools receive public funding.

Historical high schools

Eight "historical high schools" were established in Saskatchewan in the early 1900s as "schools of necessity." These schools were among the first high schools established in their respective parts of the province at a time when public high schools were not available. Historical high schools are currently funded at the rate of $1,925 per grade 9-12 student enrolled. Historical high schools must meet the following criteria:

1. They subscribe to the goals of education for Saskatchewan.
2. They employ teachers who hold valid Saskatchewan teacher's certificates.
3. They conform to provincial curriculum policy in required areas of study; common essential learnings; locally determined options; adaptive dimensions; and time and credit allocations.
4. They enrol no fewer than 60 pupils in grades 9, 10, 11 and 12.
5. They are supervised by the Saskatchewan Department of Education or by a person with the qualifications of a director or superintendent of education approved by the Saskatchewan Department of Education.

Alternative schools

An alternative school provides an educational program to students with special needs who require a qualitatively different education experience which cannot be met through the adaptive dimension of the core curriculum. Alternative schools are funded by the Department of Education and, in some instances, by other departments such as Social

Services at a rate dependent upon the severity of the special-needs students enrolled.

Saskatchewan has a publicly funded education system that consists of public and separate school divisions. Both receive equal provincial grants. In the fall of 1991, approximately 3,100 Saskatchewan students (0.7% of the total provincial enrolment) were enrolled in independent school programs from kindergarten to grade 12. Over 2,500 students attend Independent High Schools, Independent Church Schools, and Seventh Day Adventist Schools.

Reference: *The Education Act*, Statutes of Saskatchewan, 1978, chapter 17.

ALBERTA

Under Alberta's *School Act*, there are private schools and accredited private schools.

Private Schools

Under section 22(1), a school is entitled to be registered as a private school if the operator applies to the Minister of Education and the minister is satisfied that:

> *(a) the school will provide a program of studies that complies with any orders made under section 25(1)(d);*
>
> *(b) the school will meet the standards of student achievement and achievement testing acceptable to the minister;*
>
> *(c) the operator agrees to regular evaluation and monitoring by the minister; and*
>
> *(d) the school meets and will continue to meet all local and provincial health, safety and building standards.*

Under section 25(1), the minister may

> *(a) prescribe courses of study, including the amount of instruction time, and authorize education programs and instructional materials for use in schools;*
>
> *(b) approve any course, education program or instructional material that may be submitted to the minister by a board or another operator of a school for use in schools;*
>
> *(c) ... prohibit the use of a course, education program or instruction materials in schools;*

(d) adopt or approve goals and standards applicable to the provision of education in Alberta.

Registered private schools do not receive public funding.

Accredited Private Schools

Under section 22(2) a private school is entitled to be accredited as an "accredited private school" if

(a) the minister approves the education program and any modification of it offered at the school, and

(b) the minister is satisfied that:

(i) the operator of the private school continues to meet the requirements under subsection (1) of section 22,

(ii) seven or more students from two or more families are enrolled and continue to be enrolled in the school; and

(iii) individuals whose qualifications are approved by the minister are employed to teach at the school.

For funding purposes, a "funded private school" means an accredited private school that receives a grant under the *School Grants Regulations* (Alberta Regulation 171/176).

New private schools must obtain accreditation through approval of the Deputy Minister of Education. Newly qualifying private schools will indicate that the school is operated on a non-profit basis and is incorporated under the *Societies Act* or registered under the *Companies Act* or *Special Act* of the Legislature.

Funding of Accredited Private Schools

Accredited private schools receive up to 75% of the regular per-pupil grant paid to public and separate school systems in Alberta from the School Foundation Program Fund (75% of the SFPF equals about 35% of the cost of education). The provincial government contributes to a School Foundation Program Fund out of its general revenue, and school districts pay into the fund according to the value of the property in the jurisdiction. Funds are distributed to the school jurisdiction through per-pupil instructional grants which vary according to the level of the students. In 1991-92, the per pupil operating grants are $2,098 per elementary student, $2,256 per junior high student (grades 7-9), and $2,433 per senior high student (grades 10-12).

Grants to accredited private schools are also paid in the following instances:

(i) a per pupil grant for schools offering a French-language program;

(ii) a dollar amount per enrolment course hour for schools offering an extension program; and

(iii) a secondary education per student grant for learning resources and teacher in-service.

Alberta has a publicly funded education system consisting of public and separate schools (both Roman Catholic and Protestant separate schools). In 1991, 16,259 (3% of the total provincial enrolment) Alberta students were enrolled in private elementary and secondary schools. Most of Alberta's private schools are co-educational day schools associated with the Seventh Day Adventists, the Association of Christian Schools International, and the Association of Independent Church Schools. Montessori, Waldorf and other non-religious schools (including seven special education schools for learning disabled students and a visa school for foreign students) make up about 15% of the private schools.

Reference: *School Act*, 1988, Province of Alberta, chapter S-3.1

BRITISH COLUMBIA

Independent schools in British Columbia are governed by the *Independent School Act* (1989). As defined in part 1(1) of the Act, an "independent school" means a school that is maintained and operated in British Columbia by an authority (i.e., a society incorporated under the *Society Act*, a corporation incorporated under the *Company Act* or a person designated, by regulation, as an authority) and offers an education program to ten or more school age students, but does not include: (a) a public school or provincial school, or (b) a school that

(i) solely offers religious instruction,
(ii) solely offers language instruction,
(iii) solely offers a program of social or cultural activities,
(iv) solely offers a program of recreational or athletic activities,
(v) is so designated by the inspector.

Classification of Independent Schools

All independent schools must be classified by the inspector of independent schools, who may authorize a person to inspect and evaluate

independent schools, teachers, the operations of an authority, educational programs provided by independent schools and educational resource materials, school buildings and other buildings used in conjunction with the school.

Independent schools may not operate without a mandatory certificate of group classification and must meet municipal zoning, health and safety codes. The certificate of group classification may be obtained following an evaluation conducted by the Independent Schools Branch of the British Columbia Ministry of Education. Each school's classification determines the degree of government involvement and funding, if any, available from the province.

The following summarizes the provisions for certification of group classification as outlined in sections 1 and 2 of the *Independent School Act Schedule:*

Section 1

Before issuing a certificate of group classification to any school, the inspector must be satisfied that:

(a) no program is in existence or is proposed at the independent school that would, in theory or in practice, promote or foster doctrines of

(i) racial or ethnic superiority or persecution,
(ii) religious intolerance or persecution,
(iii) social change through violent action, or
(iv) sedition.

(b) the independent school facilities comply with the enactments of British Columbia and the municipality or regional district in which the facilities are located [for zoning, health and safety], and

(c) the authority complies with this Act and the regulations.

Section 2

To obtain provincial funding, schools with group 1, 2 and 3 classifications must be operated by a non-profit authority. At least 50% of the students enrolled in the independent school must be fully or partially qualified, the school should have operated at least one year before achieving funded classification, and the facilities must be adequate for instructional purposes.

Funding According to Group Classifications

The *Independent School Act* provides for funded (groups 1, 2 and 3), and non-funded (groups 4 and 5) group classifications, which are summarized as follows:

Group 1

Group 1 schools offer programs consistent with the goals of the British Columbia curriculum, employ certified teachers, maintain adequate educational facilities, and meet municipal codes. They receive per student grants of 50% of the per student operating cost in the public school district in which they are located.

Most of the schools classified as group 1 are Catholic public schools, the largest category of independent schools in British Columbia.

For the 1991-92 school year the weighted average grant is $2668.50 per qualifying student.

Group 2

Group 2 schools meet the same requirements as group 1 schools. They receive per student grants of 35% of the per student operating cost of the local public school district. The grant for group 2 schools is lower than for that group 1 schools (because the per student costs of group 2 schools exceed those of the local public school district). Group 2 schools include special education schools, small schools with a low pupil-teacher ratio, and the traditional English-style private schools that cater to children from upper-income households.

The weighted average grant for this group is $1867.95 per qualifying student.

Schools with group 1 and 2 classifications receive an initial external evaluation by the inspector of independent schools, an external evaluation every four years and an inspection every two years. The school-based evaluation must demonstrate the student's progress in achieving human, intellectual, social and career development.

In addition, group 1 and 2 schools have access to limited additional funding for approved special education programs, learning resources, and auditory training equipment.

Group 3

In addition to the requirements under sections 1 and 2 (above) schools with a group 3 classification must maintain adequate educational facilities and meet municipal codes. These schools receive per student grants of 10% of the per student operating cost in the public school district in which they are located. These schools do not have to meet the Ministry's curriculum and teacher certification requirements. They receive an initial evaluation and, every two years, must undergo an external evaluation that is satisfactory to the inspector.

The weighted average grant is $533.70 per qualifying student.

Group 4

Independent schools with a group 4 classification are not eligible to receive provincial grants. Group 4 schools cater mainly to foreign and out-of-province students. They meet the same curricular requirements as group 1, and 80% of their teachers must be certified. Group 4 schools must comply with instructional time requirements determined by the minister and, like group 1 and 2 schools, the evaluation must demonstrate the student's progress in achieving human, intellectual, social and

career development, include provincial assessment and examination programs and undergo an annual external evaluation satisfactory to the inspector.

Groups 4 schools must be bonded and have school facilities that are adequate for instructional purposes. The independent schools' educational program, fees, accommodation and policy pertaining to the refund of school fees or other costs must be consistent with any promotional material or other information published or supplied by the authority. Independent schools with a group 4 classification do not receive provincial grants.

Group 5

Independent schools with a group 5 classification do not receive provincial grants. Many group 5 schools are affiliated to minority religious organizations. They must maintain adequate facilities and meet municipal codes. In addition to the requirements in section 1, the inspector must be satisfied that at least 50% of students enrolled in the independent school are qualified, and that the school will undergo an evaluation satisfactory to the inspector.

During their first year of operation, new private schools are classified as either group 4 or group 5 schools and do not receive provincial funding. Group 5 schools may apply for a funded classification following the first year of operation.

Independent school enrolment in B.C.

British Columbia has a non-sectarian, publicly funded education system. In the fall of 1991, 43,714 (or 7.1%) of all school-age students were enrolled in independent schools in British Columbia. According to 1990-91 statistics provided by the B.C. Ministry of Education's Independent Schools Branch:

- 40% of students attending private schools in B.C. are enrolled in Roman Catholic institutions;
- 20% of students are enrolled in schools belonging to the Society of Christian Schools in British Columbia, an association of parent-controlled schools reflecting Protestant Christian beliefs;
- 14% of students are enrolled in traditional English-style "public schools" which are members of the Independent Schools Association;
- 20% of students are enrolled in non-aligned independent schools offering a religious-philosophical emphasis (private Catholic, independent Protestant, Jewish, Sikh, Muslim and Native Indian Band schools); a unique methodological approach such as Montessori and Waldorf schools; or special education for students with specific learning disabilities or language difficulties. Included are the group 4 schools for foreign and out-of-province students.
- 3% of the schools belong to the Association of Independent Church Schools, an affiliation of Christian schools that operate primarily in churches, many of which use the Accelerated Christian Education Curriculum and program materials.

- 3% are Seventh Day Adventist Schools, whose members seek to teach their students according to their denominational perspective. In addition nine schools serve mainly foreign students who hold Canadian visas.

The Federation of Independent School Associations is an umbrella association for independent school groups and individual schools in British Columbia. The FISA represents approximately 85% of independent school enrolments in the province.

Reference: Independent School Act, Chapter 51 of the Statutes of British Columbia, 1989.

NORTHWEST TERRITORIES

There are no private schools in the Northwest Territories, nor is there a legislative basis upon which to fund such schools should they arise. This situation may change in the near future because a commitment has been made to redraft the present *Education Act*.

The current *Education Act, 1988* does have a section on private schools. Section 115 defines a "private school" as a school other than a school operated by the Minister [of Education], a local education authority, a Divisional Board of Education or a Board of Secondary Education, where instruction in any of the subjects of the elementary or secondary school education program is provided for ten or more students between the ages of six and 15 years at any time between the hours of 9 a.m. and 4 p.m. on days other than school holidays.

Section 116 states that no private school shall operate in the Northwest Territories without ministerial authorization. Where such a school is authorized, the minister is empowered to:

> *(a) require that the principal or person in charge of the private school report to the deputy minister on enrolment, staff, courses of study, and other matters in respect of the school;*
>
> *(b) direct that an employee of the Department of Education inspect the school premises and all books and documents related to the school at all reasonable hours; and*
>
> *(c) require that the deputy minister have the work of every teacher inspected in order to ensure that a satisfactory standard of instruction is maintained.*

The Northwest Territories has a system of public and separate education (both Protestant and Roman Catholic separate schools) which is publicly funded.

Reference: *Education Act*, Registered Statutes of the Northwest Territories, 1988.

YUKON TERRITORY

The new *Education Act* (1990) allows for private schools to be registered or accredited if the minister is satisfied that the private school meets certain standard requirements. Section 29 (1) defines a private school as "a school, including a school operated by a religious denomination, other than a school operated by the minister or a school board, that offers educational programs during school days to school-age children."

Section 29(2) states that a school is entitled to be registered or accredited as a private school if the operator of the school

> *(a) provides courses of study that meet goals and objectives established by the guidelines for private schools,*
>
> *(b) employs (in the case of an accredited private school) persons who meet the qualifications required by the regulations;*
>
> *(c) agrees to regular evaluation and monitoring;*
>
> *(d) meets all local and territorial heath, safety and building standards,*
>
> *(e) meets standards of student achievement comparable to schools operated by the minister or a school board.*

There are now three private schools whose registrations have been accepted by the minister. The Calvary Baptist School and the Whitehorse Seventh Day Adventist Elementary School are now in operation. (A third private school is pending.) No private schools have been accredited as yet. The *Education Act* explicitly prohibits grants or contributions from the minister, Cabinet, a school board or a school council to a private school.

Separate schools (i.e., Roman Catholic schools) are recognized under the federal *Yukon Act*. Two Roman Catholic schools in the Yukon are therefore publicly funded.

Yukon has a system of public and Roman Catholic education which is publicly funded.

Reference: *Education Act*, Statutes of The Yukon, 1990.

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